

# East Staffordshire Local Plan

*Planning for Change*

## Statement of Community Involvement





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# 1 Introduction

- 1.1 The production of an SCI is a statutory requirement under the provisions set out in the Planning and Compulsory Purchase Act 2004 (as amended), Section 19(3), Town and Country Planning (Development Plans) (England) Regulations 2012. The NPPF does not specifically mention SCIs, though paragraph 155 states that “*A wide selection of the community should be proactively engaged*”.
- 1.2 The SCI sets out the Council’s strategy for involving the local community, stakeholders and statutory bodies, including ‘hard to reach’ groups that have traditionally been under-represented in the planning process.
- 1.3 The planning system is about our future. It is about managing the changes to our environment whilst balancing social, environmental and economic issues. Through the Development Plan system we identify how East Staffordshire will develop over the next twenty years reflecting what changes are needed with regard to new homes, employment opportunities, transport, leisure and education and where these should be. These needs and their locations have to be balanced with the effective protection of our environment. Consultation with the public, landowners, interest groups and public and private organisations and businesses including developers has a vital role to play in this process.
- 1.4 The relevant legislation is that of the Planning and Compulsory Purchase Act 2004 (as amended) (Sections 18, 19(3), 26 and 28) and the Planning Act 2008 (Section 180) which aims to raise the profile of the consultation process, encouraging greater participation from the general public in developing plans for the future.
- 1.5 The Act<sup>1</sup> highlights the important role that communities and other key partners play in influencing new plans, policies and planning applications in East Staffordshire. It identifies what we, as the Local Planning Authority, will do to ensure that all communities are involved and have an opportunity to contribute so that we better understand their needs. This includes how we work with different groups, how we produce and demonstrate information, what involvement techniques we will use and how we monitor procedures and use research.
- 1.6 The Act has been further amended through the Localism Act 2011 that was given Royal assent on November 2011 and enacted on 6<sup>th</sup> April 2012. This introduced two major reforms to the planning system including the establishment of Neighbourhood Planning and the Duty to Cooperate. The Act has triggered various other reforms such as the publication of the National Planning Policy Framework (NPPF) in March 2012 followed by the publication of new Local Planning Regulations on April 2012. The NPPF sets out the Government’s requirements for the planning system and provides a

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<sup>1</sup> ‘The Act’ refers to the Planning & Compulsory Purchase Act 2004 (as amended)

framework within which distinctive local and neighbourhood plans can be prepared which reflect the needs and priorities of East Staffordshire's communities.

- 1.7 The Coalition Government have embarked on a number of planning reforms including the abolition of the Regional Planning Body which includes Government Office West Midlands and Advantage West Midlands. This has been replaced by Local Enterprise Partnerships (LEPs) which were established to help strengthen the local economy, encourage economic development, enterprise and improve skills across the region. East Staffordshire Borough is part of the Greater Birmingham and Solihull LEP. This concentrates economic development and opportunities along the A38 corridor. However the Council may need to have dialogue and co-operate with other neighbouring LEPs such as the Stoke and Staffordshire LEP and Derby, Derbyshire, Nottingham and Nottinghamshire (D2N2) LEP.
- 1.8 This Statement of Community Involvement (SCI) replaces the original document that was adopted by the Council in September 2007. The SCI is an important document that forms part of the Local Plan, which is at the centre of the planning system. It sets out clearly how the Council will involve communities in order to create a series of plans that will form the Local Plan.
- 1.9 This Statement also sets out how Community Involvement will take place on planning applications.

### **The Statement of Community Involvement (SCI)**

- 1.10 The importance of consultation cannot be underestimated and it has always had a role to play in the process of plan making. The National Planning Policy Framework (NPPF) paragraph 155 sets out the requirements for Local Planning Authorities to undertake a proactive and meaningful collaboration with neighbourhoods, local organisations and business where it states that *"A wide selection of the community should be proactively engaged"*. Public consultation early in the plan-making process is generally best practice and desirable in terms of early engagement and dealing with difficult decisions as soon as possible. This 'front loading' or early involvement in the process means that consultation will be meaningful as comments will be made early enough to have a meaningful input into the planning process.
- 1.11 This Statement of Community Involvement states how the community will be involved in the Local Planning system. It sets out:
  - What people will be involved in;
  - Who we will involve;
  - How we will involve them;
  - When people will be involved;
  - How the information collected will be used in policy making/decisions; and
  - How the information collected will be used in development management (planning application) decisions

## Borough Profile

- 1.12 East Staffordshire Borough Council is located in the heart of England. The Borough occupies a strategic position on the edge of the West Midlands creating significant social and economic links with the East Midlands. Its growth and character has been influenced by its rural location, the accessibility of the region and the existence of raw materials which have provided the basis for employment-led growth. The Borough is characterised by a mix of urban and rural areas and the principal sub regional town of Burton upon Trent dominates the housing and employment provision, supported by the smaller market town of Uttoxeter.
- 1.13 The character of East Staffordshire is based as much on its villages and its larger towns as on its landscape qualities. Villages and hamlets scattered across the landscape have evolved in response to the landscape and terrain. The geology has also influenced the character of settlements, with locally available building materials worked by local crafts people, creating a consistent and harmonious language of traditional buildings.
- 1.14 The main transportation corridors of the A38 and A50 cross the borough in a broadly north east - south west and east west direction providing good links to East and West Midlands by car and rail users are served by frequent services on the Birmingham - Derby/Nottingham line as well as services on the Derby Crewe line. Tutbury and Hatton railways stations also offer good links.
- 1.15 **Section 2** of this document gives an overview of the Development Plan system and **Section 3** sets out clearly how the Council intends to involve communities and stakeholders in each document of the Local Plan. **Section 4** sets out the statutory duties required under the Localism Act 2011 which forms an important part of the recent planning reforms. **Section 5** sets out how the community will be consulted on planning applications. Finally **Section 6** sets out how the information provided is collated and used to inform the plan making process and our decisions and how the process will be resourced and monitored.

## 2 The Development Plan System

2.1 Section 38(c) of the Planning and Compulsory Purchase Act (as amended), states that Local planning authorities (LPAs) have a statutory duty under the Act to prepare a Local Plan for their area, setting out policies and proposals that will guide development in the district while at the same time supporting the delivery of sustainable development as outlined in National Planning Policy Framework (NPPF) and inform Local Neighbourhood Plans. The Local Plan must take account of, other plans and strategies such as, for example, the Community Strategy, including various pieces of evidence base which mainly consist of technical documents that support Local Plan policies.

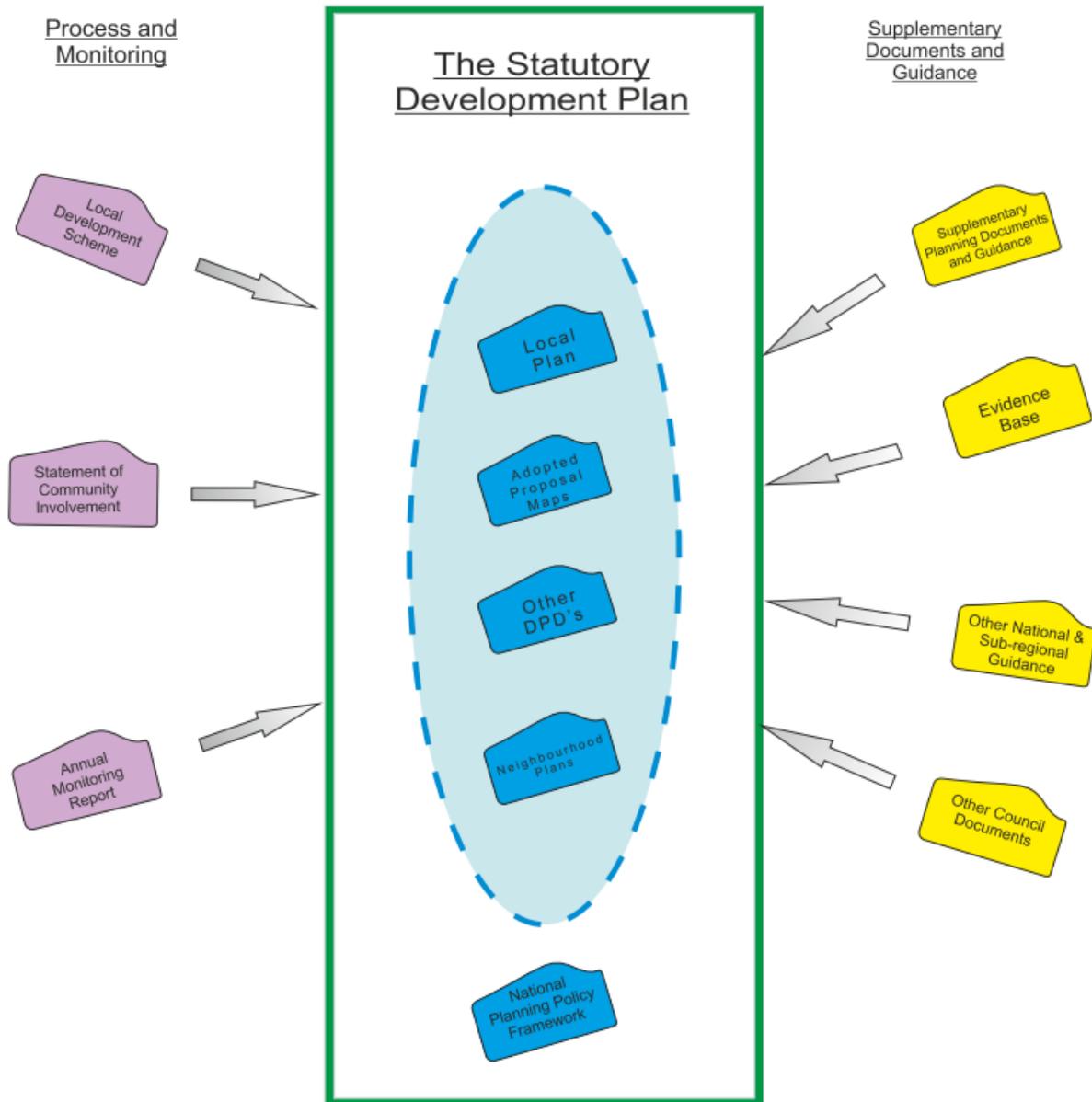
2.2 The recent planning reforms have also given Local Planning Authorities greater freedom on how to format their Local Plans, such as whether to produce a whole Local Plan or continue producing a suite of documents including the Core Strategy. For East Staffordshire Borough Council, the new Local Plan will consist of one main document, a Site Allocations Development Plan Document (DPD) (subject to the progress of Neighbourhood Plans), supplemented by Supplementary Planning Documents. The Local Plan period covers the period 2012-2031. Local Development Documents such as this SCI will form part of the Local Plan. The main reform has been the establishment of Neighbourhood Plans which are being produced by East Staffordshire town and parish councils. These must be in accordance with the Local Plan, as stipulated in paragraph 184 of the NPPF and be subject to an examination by a planning professional and go to a local referendum.

2.3 Under the revised system the Development Plan covering the Borough will be made up of:

Elements	Prepared by
Local Plan	East Staffordshire BC
Minerals Local Plan	Staffordshire CC
Waste Local Plan	Staffordshire CC
Neighbourhood Plans	Town/Parish Councils

2.4 The following diagram sets out the documents that make up the Local Plan and indicates their relationship with the National Planning Policy Framework.

**Figure 1 – The Local Plan**



### Supplementary Planning Documents (SPDs)

- 2.6 In addition we will prepare a number of Supplementary Planning Documents which will deal with specific planning issues such as the re-use of redundant farm buildings and design guidance for new development. These will supplement the policies within the Local Plan, giving more technical guidance, though they don't form part of the 'development plan'.
- 2.7 The Council's Local Development Scheme (LDS) sets out in detail what documents will be prepared and when. This can be viewed at the Council's Customer Services Centres (at Burton upon Trent and Uttoxeter), Libraries

within the Borough and on the Council’s website: [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk).

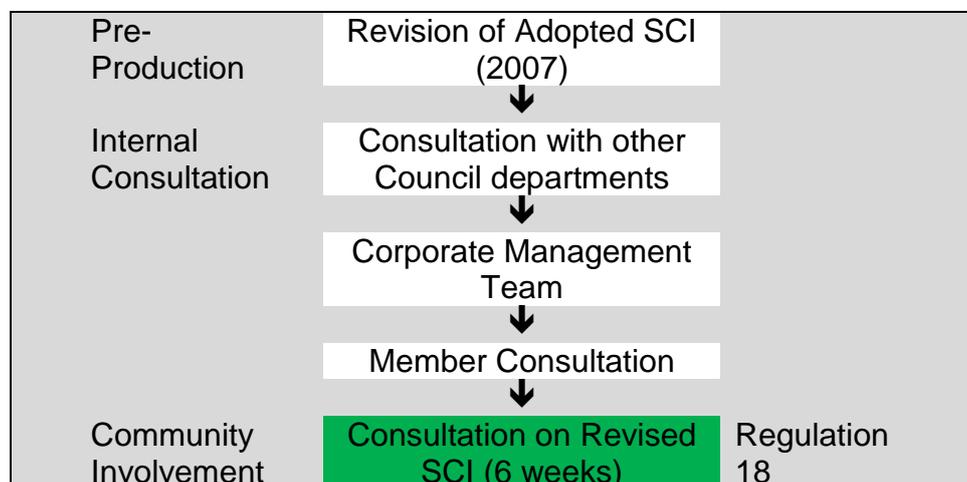
## Sustainability Appraisal (SA) & Strategic Environmental Assessment (SEA)

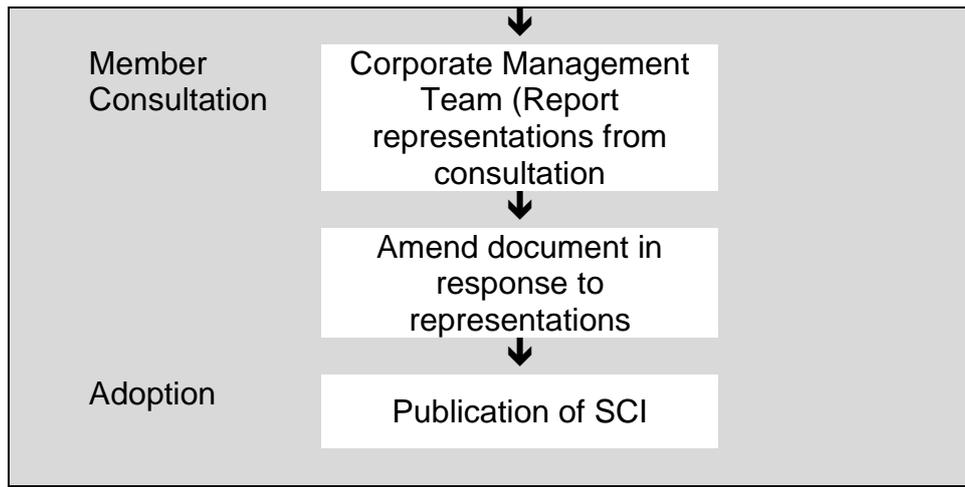
- 2.8 All documents, with the exception of Supplementary Planning Documents (SPDs) (in most cases), the Statement of Community Involvement and the Local Development Scheme, must have an associated Sustainability Appraisal which will assess, at each stage, how each document deals with the social, economic and environmental considerations. This will be published alongside the document at each stage and will ensure that decisions are made that accord with sustainable development principles. Neighbourhoods plans do not require a Sustainability Appraisal but may be subject to the requirements for Strategic Environmental Assessment SEA). The list of statutory agencies that need to be consulted if a SEA is required is listed in Appendix 2.

### Consultation with Members (Councillors)

- 2.9 Elected Members are the public face of the Council and it is acknowledged that consulting members is vital for the successful development and implementation of the Local Plan and Development Plan Documents. The Planning Policy section briefs the Regulatory Services Portfolio holder on the development of the Local Plan. It is also acknowledged that all members should be involved and informed by the Local Plan, albeit on differing levels. For example, Local Plan and Development Plan documents may need authorisation by Cabinet. The Planning Policy section briefs members at special briefing meetings, party meetings or individually upon request. Members are encouraged to feedback on Local Plan matters either formally through Cabinet meetings or informally to individual officers.
- 2.10 Figure 2 sets out the stages of the preparation of the Statement of Community Involvement.

**Figure 2: Stages in the Preparation of the Statement of Community Involvement**





## Links with Corporate East Staffordshire Borough Council Strategies

### The Local Strategic Partnership and the Sustainable Community Strategy

- 2.11 The Local Plan will have links with other key Council strategies and initiatives. Of particular importance is the East Staffordshire Local Strategic Partnership (LSP) which is led by the Council's Chief Executive Officer. The partnership aims include that of improving the quality of life for local people by encouraging effective partnership between those people who can directly and indirectly bring about change. The elements of the Sustainable Community Strategy (2008-2020), prepared by the LSP, that includes East Staffordshire Borough Council may contain material that could be delivered by the planning system. The Local Plan will therefore give spatial expression to the land-use elements contained within the Sustainable Community Strategy (SCS).
- 2.12 The SCS is a useful document in aiding who we should consult and where. The SCS specifically mentions the Local Plan roadshows which usually consist of exhibitions at various locations throughout the borough. The SCS also introduced the concept of Neighbourhood Working and giving local communities more of a role in local decision making which dovetails with the emerging Neighbourhood Plans within the Borough.

### The Corporate Plan

- 2.15 The Corporate Plan is a plan prepared by the Council and contains information about how the Council is expected to perform across the different departments with several aims and objectives. The plan contains a specific objective "*Protecting and strengthening our communities*".

- 2.16 The Corporate Plan highlights the delivery of the Local Plan through to adoption as a key objective. However other objectives are linked with planning policy and the delivery of new development such as the Council's role with the Greater Birmingham and Solihull LEP and regeneration within Burton upon Trent (ie Bargates) and Uttoxeter. The SCI will therefore be an important document in the progress of the Local Plan to adoption.

#### The Marketing and Communications Strategy 2012-15

- 2.17 The Marketing and Communications Strategy 2012-15 supports the Council's Corporate Plan in how it communicates with various stakeholders including local residents. The Plan's objective is "ensuring all communications are honest and open" therefore making sure that the Council is transparent in its communications with stakeholders. The strategy is concerned with the quality of the information that is provided by the Council rather more than the quantity. The strategy breaks down the Council's communication to stakeholders into three strands, (a) promotional material, (b) electronic and (c) traditional (such as hard copies of ESBC News). The Council has a general recognition that it should embrace electronic methods including social media such as Facebook, Twitter and YouTube. These methods are often cheaper than the more traditional means of communication and instant which is useful for promotional purposes.
- 2.18 The Marketing and Communications Strategy informs the SCI in terms of the quality and clarity of information that is given to various stakeholders. The Strategy describes the different types of media that is available to the Council and new social media through new technology. The SCI should therefore promote such media as part of Local Plan preparation.

#### The Single Equality Scheme (2012)

- 2.19 The Single Equality Scheme (February 2012) document deals with how the Borough Council delivers services in a fair manner to the community. The document recognises the Council's responsibilities as set out in the Equalities Act 2010 and includes information on the Borough's profile, where further information can be found via the following link: <http://www.eaststaffsbc.gov.uk/services/pages/2011census.aspx>. The document discusses the composition of communities within the Borough. The Scheme places importance on the conduct of staff in promoting equality as part of service delivery as well as giving the community an opportunity to feedback on how the Council delivers its services. For example, it gives communities the opportunity to feedback on a consultation event that may be carried out as part of a Local Plan consultation.
- 2.20 The Single Equality Scheme therefore informs the SCI in terms of the Council's duties under the Equality Act 2010 and giving greater awareness of communicating with our diverse population within the Borough through appropriate equality information data collection.

## Consultation/Community Engagement Strategy & Toolkit

- 2.21 The Consultation/Community Engagement Strategy & Toolkit contains useful good practice and advice on how departments within East Staffordshire Borough Council should conduct consultations and liaise with the community. The Council has a Corporate Officer, who coordinates and monitors consultation processes and avoids risks, aids consistency and problems such as consultation fatigue. The strategy covers the different community consultation methods including Citizen's Panel, Focus Groups and Neighbourhood Forums. The strategy also covers 'hard to reach groups' and the different methods of consultation which tend to work best for each group. It stresses that many individuals and groups do not necessarily see themselves as 'hard to reach' but it is mindful of what methods may work best.
- 2.22 The SCI should reference the Consultation/Community Engagement Strategy & Toolkit in terms of using consultation best practice and the importance of liaising with the Corporate Officer whenever we consult any Local Plan documents.

## Community Cohesion/Social Inclusion Strategy 2012-2015

- 2.23 The Community Cohesion/Social Inclusion Strategy's main objective is to prevent conflict and aid cohesion/inclusion within communities within the Borough. The document forms an important part of the implementation of the Equalities Act 2010 and the work of the Borough's East Staffs Rights and Equality Council. The document explains the role of the Council's Neighbourhood Co-ordinator in consulting with 'difficult to reach' groups. It is also based on the Experion Mosaic database provided by Staffordshire County Council which gives specific information on the communities within the borough and what methods of consultation work well and what doesn't work as well specifically for that community. The strategy also places importance on local decision making and making people feel as though they influence decisions. The strategy raises an important spatial planning issue of reducing crime and anti-social behaviour which is something that the Local Plan is dealing with in terms of designing out crime and contributing to safe communities.
- 2.24 The SCI should use the Community Cohesion Strategy in order to determine how to consult with 'hard to reach' groups, using the assistance and knowledge of the Council's Neighbourhood Co-ordinator. The Local Plan may contain sensitive issues regarding land allocations and the strategy is a useful resource in how to approach and deal with potentially controversial issues.

## **The Greater Birmingham and Solihull Local Enterprise Partnership (LEP) Planning Charter**

- 2.25 The Greater Birmingham, Solihull LEP takes over the strategic role of former Regional Spatial Strategies to a degree, where the main remit is to deliver

growth (particularly that of employment) through sustainable development. One of the planning charter's key aims is to provide: *“Greater engagement between local authorities, local communities and the business community will ensure that the benefits of development are fully articulated and understood”* as well as *“Development decisions will be transparent, inclusive and delivered on time”*. It is therefore clear that the LEP's main aim to reform the role of planning as enabling economic growth through greater cooperation with other Local Planning Authorities, which in turn supports the requirements under Duty to Cooperate, but also with businesses as part of the wider private sector.

- 2.26 The Borough Council should also take into account the neighbouring LEPs, including the Stoke on Trent and Staffordshire LEP and the D2N2 (Derby, Derbyshire, Nottingham and Nottinghamshire) LEP, where some cooperation with those bodies may be considered appropriate as and when required.

### 3 Methods of Involvement

- 3.1 The aim of this section is to set out our policy on community involvement within the local planning process. It discusses the principles and techniques that will be used to secure community involvement and begins to identify the key partners involved.
- 3.2 The new development plan system clearly sets out the goal of engaging the community in the plan preparation process and there is an expectation that more than the statutory minimum will be done. As a result this SCI sets out the Council's objective to involve a wide range of people and groups in a range of businesses, voluntary, social and economic as well as hard to reach groups.
- 3.3 Planning legislation emphasises the need to include continuous community involvement from developing ideas at the beginning of the process (called front-loading), considering different options through to getting the plan written and adopted. Equally, sometimes difficult decisions have to be made, when consensus cannot be achieved and outcomes will not satisfy everyone. It is important that within this process everyone understands that there are other factors that will inform our decisions.
- 3.4 The Regulations set out in the Planning and Compulsory Purchase Act 2004 (as amended) specify that certain specific groups must be consulted where we think that they may be affected by policies and proposals contained in the proposed Local Plan and SPDs. These specific consultation bodies are set out in and reflected in Appendix 2.
- 3.5 A wide range of general consultation bodies will be consulted if it is appropriate and necessary. These bodies or groups of people fall into several groups:

Group	Hard to Reach/Hear <sup>2</sup> ?
• Voluntary bodies	No
• Statutory Bodies	No
• The Local Enterprise Partnership	No
• Parish and Town Councils	No
• Interest groups and Local Amenity Organisations	No
• Landowners and Registered Social Landlords	No
• Religious/Faith & Belief groups	No
• Business groups	No
• People with disabilities	Yes
• Children & Young people (Schools and Colleges)	Yes
• Older people	Yes
• Gender groups	Yes

<sup>2</sup> Hard to Reach/Hear groups as defined in The Consultation/Community Engagement Strategy & Toolkit

• Black and Minority Ethnic groups	Yes
• Nomadic Communities/Transient groups e.g. Gypsies or Travellers	Yes
• Newly established communities	Yes
• Business groups (including Developers and Planning Agents)	No
• The service sector (Police, Education Health etc)	No
• Media groups	No
• General consultation bodies	No

3.6 Some of these groups may be considered to be harder to reach and hear than others and the Council will use a variety of different methods to reach all sectors of the community. To ensure that these hard to reach groups are involved at the appropriate stages approaches such as the use of the Neighbourhood Coordinator Officer and Wardens, the possible use of an interactive website and the targeting of these groups for issue-based consultation as well as ensuring that any public events are accessible to all will be used in addition to the methods set out below. The Council's Consultation/Community Engagement Strategy and Toolkit contains useful information and guidance on what methods work best for each 'hard to reach/hear' group.

3.7 Whilst it is important to reach as many of these groups as possible it is also essential to reach individuals across the Borough. Any group or individual not on the consultation list and showing interest in the Local Plan process will be added to the Planning Policy consultee database upon request. This will mean that they will be directly contacted at each stage of document preparation.

3.8 Different sectors of the community will have different interests and issues, for example some residents who live in Uttoxeter may have little interest on land being developed at Burton upon Trent. It is therefore important that there is a balanced approach to consultation. To achieve the widest and most diverse community participation a number of techniques will be used. Not all techniques will be used to reach every intended audience as this may not be necessary. The Council will decide which methods will be appropriate in each case. For example, it may include the following elements:

- 1) Presentation of Information – Tell people what is planned (requiring low level of involvement).
- 2) Consultation – Offer a number of options and listen and act on feedback. (Requiring medium-high levels of involvement)
- 3) Deciding together – Encourage others to provide some additional ideas and options and in deciding the best way forward (requiring high levels of involvement/interaction).

3.9 Every level of community involvement requires using different techniques and approaches and requires different amounts of input and support from both officers and the community. Efficient use of resources is essential and

strengthening the existing consultation groups both within the Council and beyond will be key to effective consultation and participation.

3.10 Regardless of which level is adopted we need to ensure that the outcome is the same, i.e. that it creates opportunities for those taking part to influence plans, policies and application decisions. This requires us to consult using the following principles:

- Target all people/communities, particularly those who may have not traditionally had their say in the planning process, that may be affected;
- Ensure access and availability to information by a variety of means;
- Being transparent and make clear what is being asked;
- Ensure people are involved from the outset;
- Keep people/communities informed throughout the process;
- The Council will meet the requirements of the Equalities Act 2010.

3.11 The Borough Council provides alternative languages or formats by request (as stated at the rear of this document) and the Council’s website is enabled to translate into different languages.

3.12 The following is a list of possible methods of community involvement with comment indicating potential use and constraints.

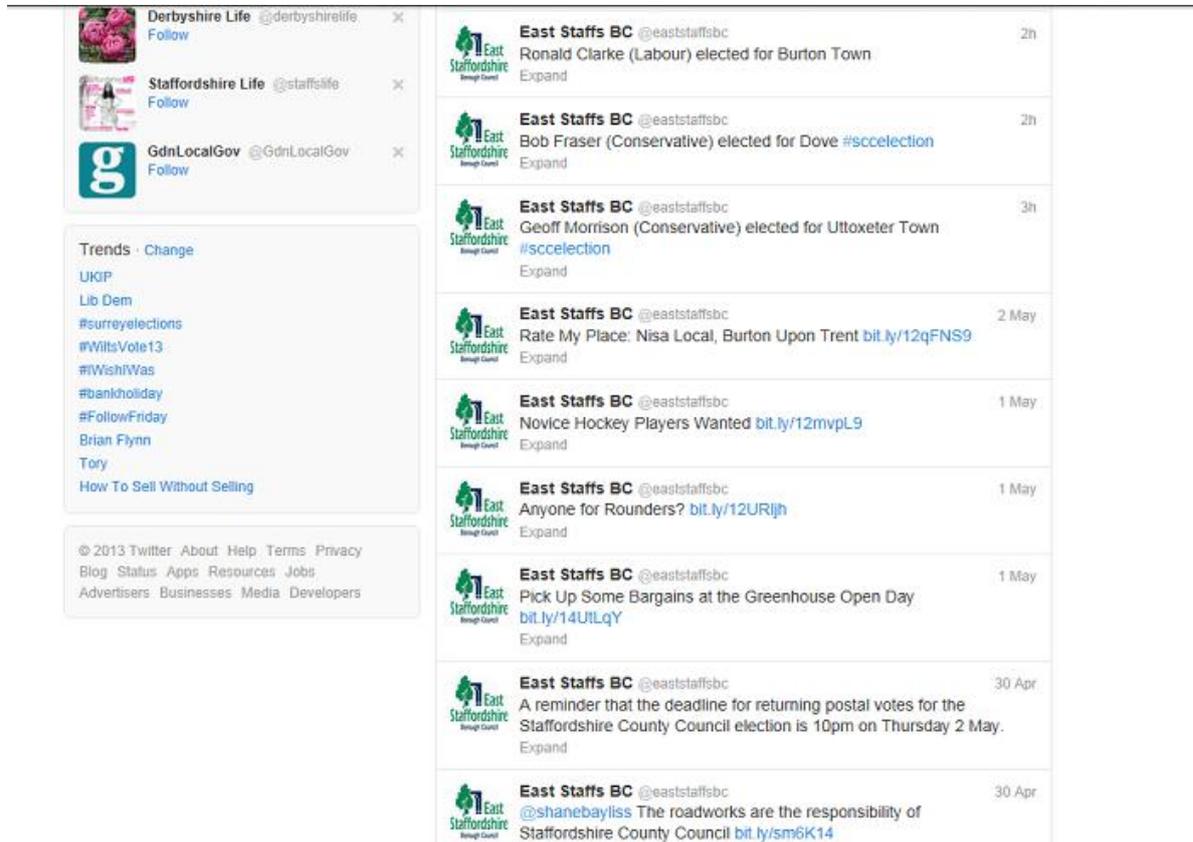
### Methods of Community Involvement

Method	Comment/Considerations	Does it Inform	Does it Consult	Is there Interaction
Documents available for inspection at Council Customer Service Centres and Libraries	This is a minimum requirement. Documents should be available during consultation periods but also at any time.	Y	Y/N	N
Council Website, including online consultation portal (Objective)	Convenient, efficient and effective for organisations but medium does not reach everyone (for those who do not access to the internet). Poor broadband.	Y	Y/N	Y
Twitter/ Facebook	Social networking medium does not reach everyone (for those who do not access to the internet or those particular social network). Poor broadband.	Y	Y/N	Y
Email	Useful, quick and efficient form medium for consulting existing			

	consultees but not all consultees have access to the internet therefore may not be able to access email or would wish to use it in this way.	Y	Y/N	N
Letter to statutory Consultees/ESBC database	A survey on consultation techniques found this to be the favoured option with 73% of respondents choosing this. Simple and effective but cannot guarantee a response.	Y	Y/N	N
Exhibitions/ Displays	Useful tool in informing the community and, if done properly can stimulate debate in those who attend. However, location and timing is key to who sees it.	Y	Y/N	Y
Newsletter (ESBC News)/Leaflet distribution	Provides information but can be costly, especially in terms of printing costs. Best tied in with Council's free paper but timescales not always aligned.	Y	N	N
Media/Press Releases	Articles/interviews at key times can raise profile but can often have negative feedback. Well-written statements can be effective if printed but no guarantees.	Y	N	N
Public Notice	Guaranteed to be published but costly and limited message. Will reach a large audience.	Y	N	N
Citizen's Panel	ESBC Citizen's Panel achieves high response rate and covers all geographic areas but may not be truly representative.	Y	Y	N
Neighbourhood Forums	Involves local communities and may lead on the delivery of Neighbourhood Plans.	Y	Y	Y
Face-to-face	This may involve 1:1 contact at exhibitions or individual visits by the Neighbourhood Co-ordinator Officer or a Warden. This method is very effective but very resource intensive.	Y	Y	Y
Questionnaires and Surveys	Effective at providing targeted information but not suitable for complex issues as responses are	Y	Y	N

	too polarised. The more complex the issue the lower the return.			
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**Figure 3: Extract from The Council’s Twitter page.**



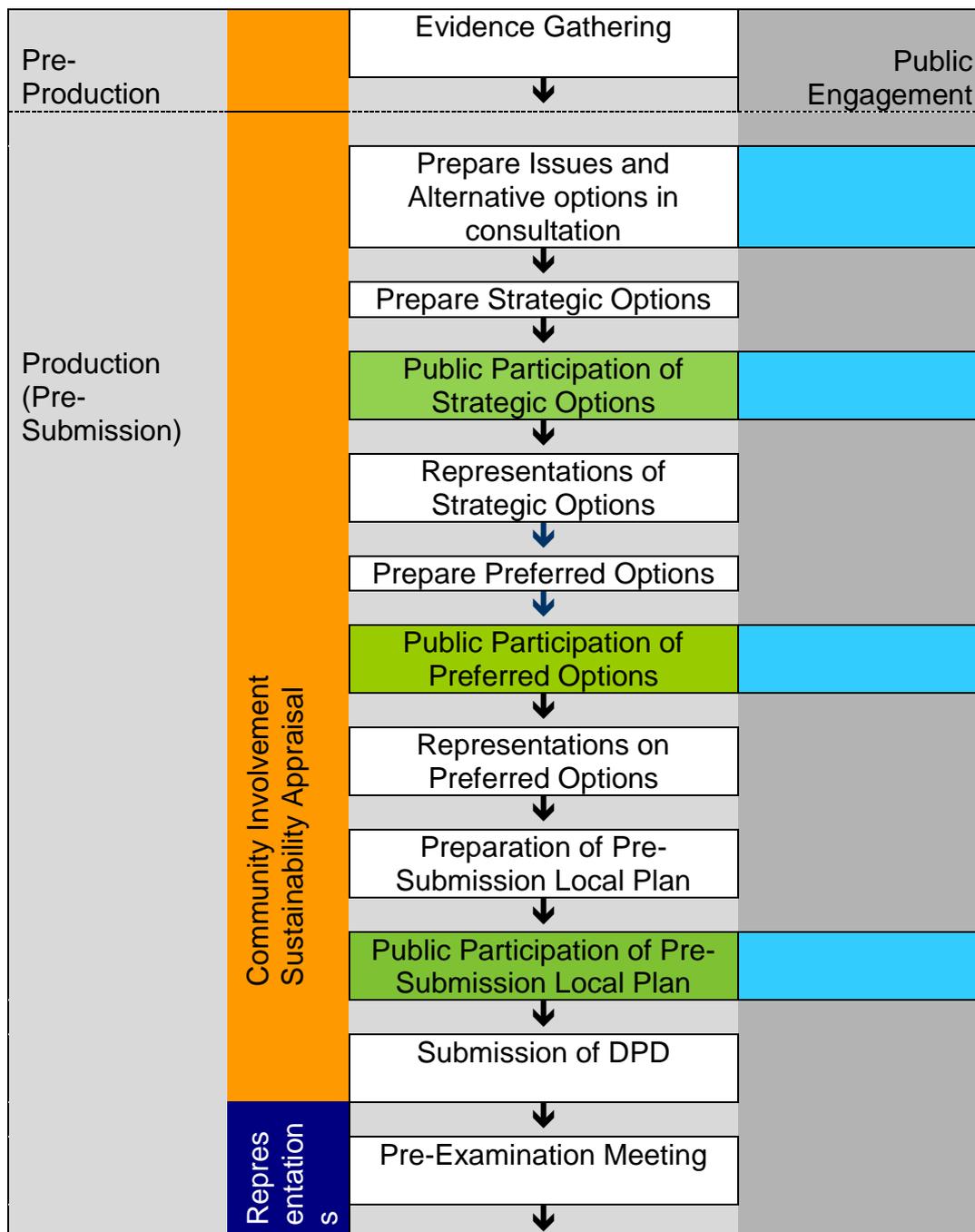
### Format of Community Involvement

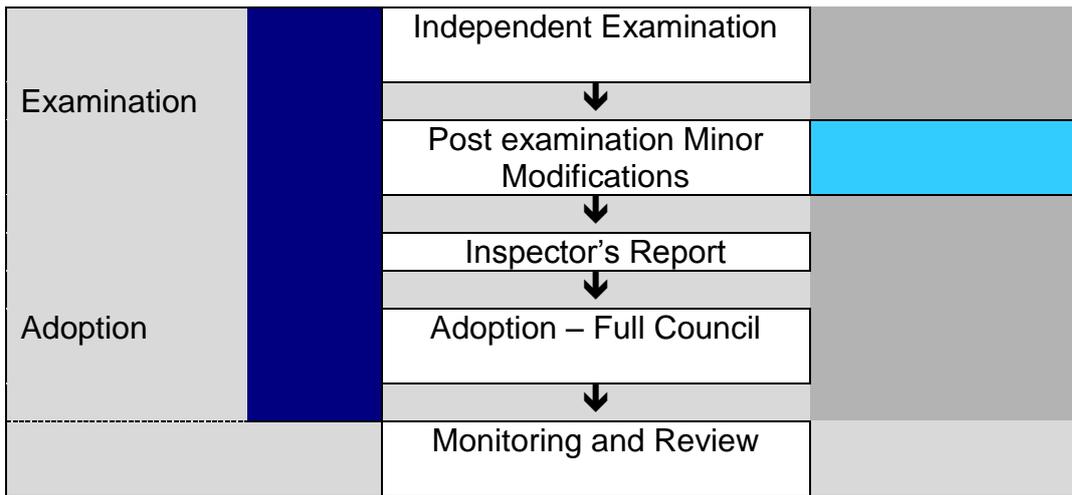
Method	Comment/Considerations	Does it Inform	Does it Consult	Is there Interaction
Public Meetings	Effective for certain groups such as parish council’s/interest groups but can suffer from poor attendance.	Y	Y	Y
Focus Groups	Useful for area based discussions and presentation of options. Can assist in gaining understanding of public’s concerns	Y	Y	Y
Workshops (E.g. Planning for Real exercises)	Means of engaging local communities and developing ownership of proposals. Need to ensure the right people are involved and sufficient preparation is done.	Y	Y	Y

Parish Forums	Tailor made forums to discuss issues specific to that area. Appropriate for area-based policies.	Y	Y	Y
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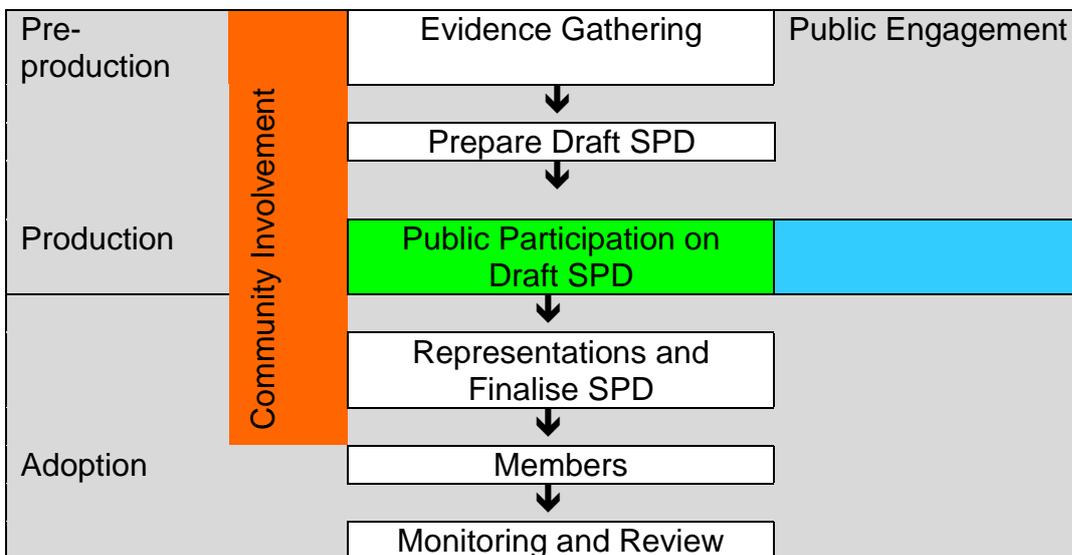
3.12 The Council will ensure that at each consultation stage of the Local Plan and Supplementary Planning Document the consultation period will be publicised to allow everyone the opportunity to submit comments. The stages of the Local Plan and Supplementary Planning Documents are set out below:

**Figure 4: Stages of the Preparation of Development Plan Documents**





**Figure 5: Stages in the Preparation of a Supplementary Planning Document**



3.13 Consultation will be an ongoing feature of documents prepared as part of the Local Plan. However, there are key stages in the preparation of the each document. These can be summarised as follows:

Stage	Action	Who will be Consulted
Stage 1 – Pre Production (Research and evidence gathering)	Evidence gathering to inform the production of issues and options for issues such as housing, employment and retail to identify specific needs. At this time we may involve the community through specific types of involvement.	Statutory Consultees; Relevant business, community and interest groups;
Stage 2 – Issues and Options	Building on the evidence base and initial consultation exercises the council must prepare a document setting out all of the strategic options for issues such as housing, employment and retail.	Statutory Consultees; Relevant business, community and interest groups;
Stage 3 Preferred Option	The options are narrowed down to a Preferred Option based on representations received and the information contained within the evidence base.	Statutory Consultees; Relevant business, community and interest groups;
Stage 4 – Pre Submission (Preparing the document)	Building on the evidence base and initial consultation exercises the council must prepare a document setting out the various options with the Council’s preferred option indicated. Comments will be sought during a six-week consultation period on these options and considered along with those already received at Stage 1.	Statutory Consultees; All groups and individuals on the Local Plan Database;
Stage 5 – Submission and Examination	Following stage 4 the Council must prepare a Submission Document which will build on the previous stages taking into account any comments received. Once the plan has been examined, the Planning Inspector may request major and minor modifications to be made to the	Statutory Consultees; All groups and individuals on the Local Plan Database;

	plan. Any modifications to the Plan would be subject to six weeks consultation prior to adoption.
Adoption	The Inspector's decision is final (subject to Legal Challenge) and, if necessary the Council will make amendments and minor modifications to the document as recommended by the Inspector.

- 3.14 Following the discussion of the types of involvement the approach that the Council will use to involve the community in the production of both the Local Plan and Supplementary Planning Documents is set out below indicating at what stages they will be used. Not all methods will be used for each stage and, as stated above, the Council will use its judgement as to when to use which method on the basis that each method may offer particular benefits and resources are available. These are indicated in the table below along with the minimum methods of involvement.
- 3.15 Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 states how Local Planning Authorities should provide documents, where they are available and their format. Documents should be made available in a variety of formats both in hard copy and electronically depending on the need of the customer. Customer needs should be taken into account in terms making the documents legible, where documents should be made available in large print format and in audio.

Method	Development Plan Document, ie the Local Plan					Supplementary Planning Documents	
	1	2	3	4	5	1	2
Documents available for inspection at Customer Service Centres and Libraries	-	✓	✓	✓	✓	-	✓
Information on Council Website/ email shot	✓	✓	✓	✓	✓	✓	✓
Letter to all on Local Plan Database (if relevant)	✓	✓	✓	✓	✓	✓	✓
Exhibitions/Displays	-	<b>M</b>	-	✓	<b>M</b>	-	<b>M</b>
Public Meetings	-	✓	<b>M</b>	<b>M</b>	<b>M</b>	-	<b>M</b>
Newsletter (ESBC News)/Leaflet distribution made widely available	✓	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	✓	-
Media/ Press Release	✓	✓	✓	✓	✓	✓	<b>M</b>
Public Notice	-	✓	✓	✓	✓	-	✓
Citizen's Panel	<b>M</b>	-	-	<b>M</b>	<b>M</b>	-	-
Questionnaires and Surveys	✓	-	-	-	-	<b>M</b>	-
Focus Group with specific representatives of particular issues	<b>M</b>	-	-	-	-	<b>M</b>	-
Workshops	-	<b>M</b>	-	<b>M</b>	-	<b>M</b>	-
Area Forums	-	<b>M</b>	-	<b>M</b>	-	<b>M</b>	-

✓ = Will undertake this type of consultation

**M** = May be used if method deemed beneficial and timescale and resources allow

3.16 The Council's Consultation/Community Engagement Strategy and Toolkit provides useful advice and best practice on the different consultation methods as demonstrated in the above table.



Figure 6: Extract from ESBC News (August 2012)

### What consultation methods work well?

- Exhibitions at Burton upon Trent College captured a younger audience.
- The increase in electronic methods which enables information to be sent out quickly and social media can aid ongoing discussions
- Exhibitions that are held at convenient times for people who work full time, such as evenings and Saturday mornings

### What consultation methods don't work as well?

- Some exhibitions that were held in weekday afternoons thus not a convenient time for some working people.
- Questionnaires and survey responses. If questionnaires and surveys are issued at an exhibition, then it is better to get people to respond there and then rather than taking them away to fill in as they tend to get discarded or forgotten about.

## **4 The Localism Act 2011**

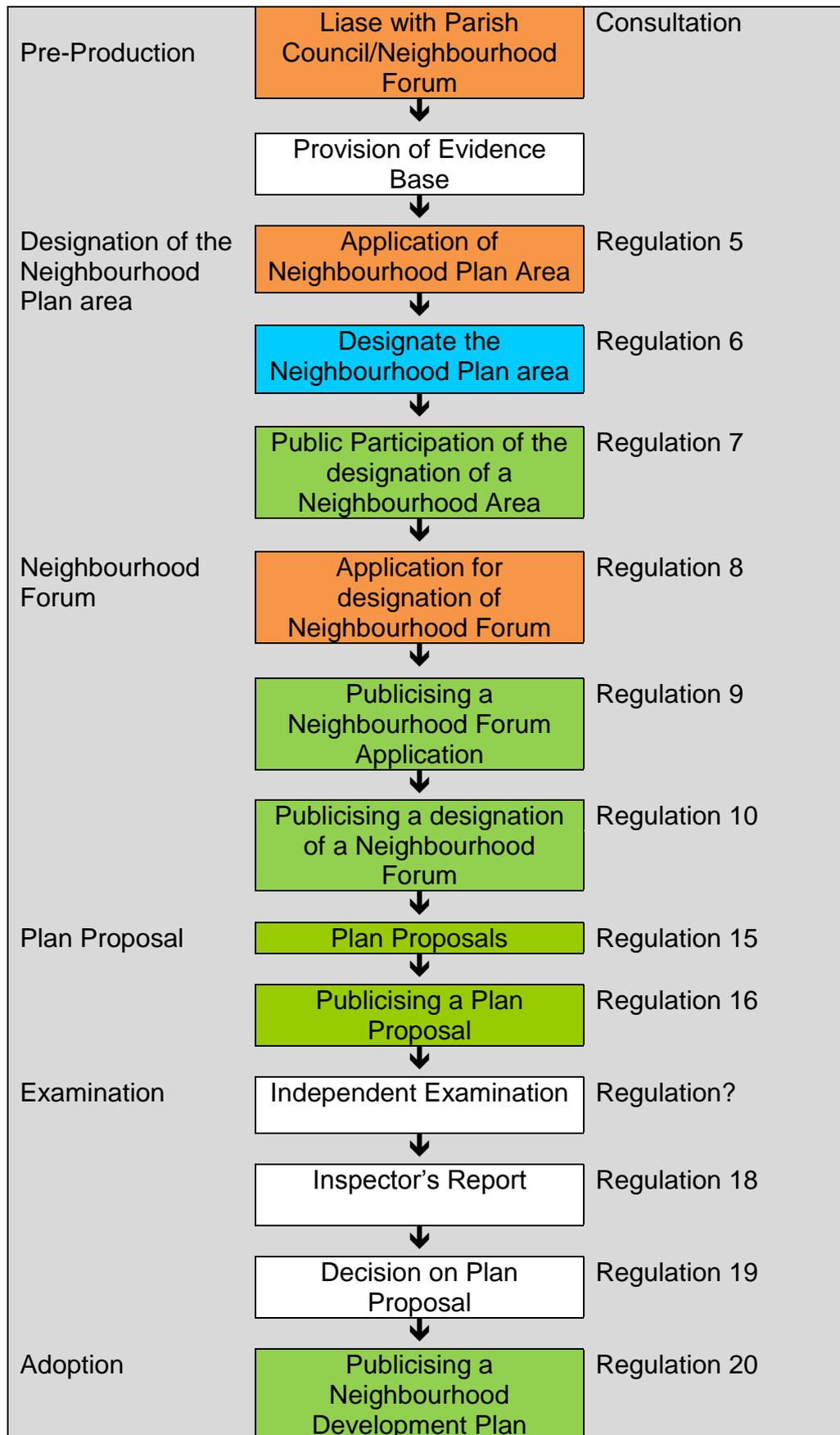
### **Duty to Cooperate**

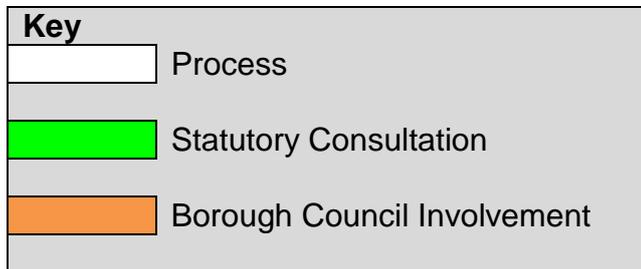
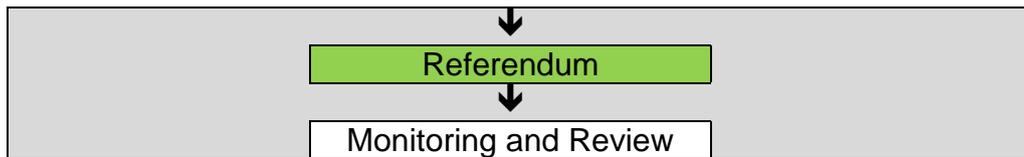
- 4.1 Local Planning Authorities (district and county councils) are now required under Section 110 of the Localism Act 2011 to proactively engage with other local planning authorities, statutory agencies and other public bodies on an 'ongoing basis' as part of the provision of 'sustainable development' (a full list of bodies can be found in Appendix 2). This requirement is further covered in the NPPF, paragraphs 54 and 178-181 in terms of defining strategic priorities and joint working on areas where there is a 'common interest' This replaces to an extent the role of strategic planning provided by the former Regional Spatial Strategy (RSS) in the coordinated delivery of plan making and the coverage of cross boundary issues which may include major infrastructure provision.
- 4.2 The Council is therefore engaging proactively with these bodies in the production of the Local Plan as well as the evidence base that underpins it. It is not proposed for the Council to cover every single planning issue with the relevant bodies but concentrate on the strategic priorities as stipulated in the NPPF. The Council has produced a Duty to Cooperate Statement as part of the last consultation stage on the Local Plan (Preferred Option) which can be accessed on the Council's website: <http://www.eaststaffsbc.gov.uk/Planning/PlanningPolicy/Documents/LocalPlan/NewLocalPlan/LocalPlanDutytoCooperateStatement.pdf> The Council will produce further Duty to Cooperate Statements as the Local Plan progresses.

### **Neighbourhood Planning**

- 4.3 Neighbourhood Planning is covered under the Localism Act 2011 (Sections 116-121) which gives local communities the opportunity to develop a Neighbourhood Plan which can form part of the statutory development plan. There are separate statutory regulations for Neighbourhood Planning, given under the Planning (General) Regulations) 2012. The regulations state that it is the Local Planning Authorities' (East Staffordshire Borough Council's) responsibility of making sure that the parish is in accordance with those regulations. Neighbourhood Plans must also be in accordance with the Local Plan. This statute is supported by the National Planning Policy Framework (paragraphs 183-185) and other relating CLG Guidance.
- 4.4 Like a normal Local Plan, a Neighbourhood Plan is subject to independent examination. If that is approved, then it is subject to a Referendum process, where a poll is held within the community to either approve or reject the Neighbourhood Plan. Further detail of the Neighbourhood Plan process is given in Figure 6 below:

**Figure 7: Stages in the Preparation of a Neighbourhood Plan**





- 4.5 The Neighbourhood Planning system is very much in its infancy and is emerging, so there is a great impetus on effective communication between Parish Councils/Neighbourhood Forums and the Borough Council, especially in the giving of advice. However, there are other resources that are available to Parish Councils/Neighbourhood Forums, much of which is online such as [www.ourneighbourhoodplanning.org.uk/home](http://www.ourneighbourhoodplanning.org.uk/home) and [www.locality.org.uk](http://www.locality.org.uk).
- 4.6 The Neighbourhood Plans Roadmap Guide which can be found on the Locality website ([www.locality.org.uk](http://www.locality.org.uk)) clearly sets out the Neighbourhood Plan in three main stages. These are:

**Stage 1 – Getting Established**

The first step for parish/town councils or prospective neighbourhood forums wishing to prepare a Neighbourhood Plan is to submit their proposed neighbourhood area to the local planning authority for designation. Prospective neighbourhood forums will also need to be designated by the local planning authority.

**Stage 2 – Preparing the Plan**

Preparing to write a Neighbourhood Plan includes publicity, development of local partnerships, community consultation and engagement and the building of an evidence base. This will inform the development of a vision and/or aims for the plan. These in turn will inform the formulation of policy, proposals and site allocations. Community engagement will be necessary at all stages of the plan-making process.

**Stage 3 – Bringing the Plan into Force**

The proposed Neighbourhood Plan will be submitted to the local planning authority, which will check that proper procedures have been followed in its preparation and that any necessary assessments accompany the plan. Following a period of publicity, the local planning authority will arrange for an independent examination and organise the public referendum.

## The Plain English Guide to the Localism Act

- 4.7 In November 2011, the Department for Communities and Local Government published a plain English Guide on the Localism Act 2011 and the main points regarding what it is about in terms of new powers, including the planning reforms. The planning reforms it mentions include Duty to Cooperate, Neighbourhood Planning and the Community Right to Build. The document discusses how local planning authorities should consult on the development of their Local Plans and keeping local communities involved and limiting the discretion of planning inspectors to include amendments to Local Plans once they are examined. The Localism Act also announced reforms to the Development Management system, including giving developers a greater duty to consult with local communities as part of the pre-application stage as well as giving greater support to Local Planning Authorities where there are breaches in development management through effective enforcement procedures. A copy of the Plain English Guide can be found via the following link:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5959/1896534.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf)

## **5 Planning Applications and Development Management (Planning Delivery) Proposals**

- 5.1 Planning permission is required from the Council for many new buildings, alterations or extensions to existing buildings, and changes of use of land or buildings. To apply for planning permission a planning application must be submitted to the local planning authority.
- 5.2 The process by which the local planning authority considers planning applications is known as the development management (control) system. All planning applications are determined in line with the Development Plan unless there are material consideration(s) which indicate otherwise.
- 5.3 Development Management – or planning control, is the aspect of the planning system most people will have previously encountered. For example, you may have received a letter inviting you to comment on a neighbour's proposed house extension or the proposed change of use of a nearby building. This is undertaken within the Planning Delivery Team of the Council.
- 5.4 An explanation as to the process of applying for planning permission can be found on the Council's website at – [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk)

### **Community Involvement for Planning Applications**

- 5.5 This Statement of Community Involvement aims to set out East Staffordshire Borough Council's approach to community involvement on all planning applications. Where significant development is being proposed, government guidance encourages developers to seek discussions with the local planning authority in advance of submitting a planning application. Similarly, this guidance encourages developers proposing significant development schemes to engage in early-stage community involvement. This pre-application discussion and community involvement will allow issues to be discussed and solutions to be found at the earliest possible time – aiding to reduce potential conflict, resolve any potential principle issues and overall delay to the application process once such an application has been formally submitted.
- 5.6 East Staffordshire Borough Council's Planning Delivery Team encourages pre-application discussion all applications and already takes part in pre-application discussions with developers in a good number of those instances where significant development proposals are being put forward. The Council will seek to build upon this approach and will actively encourage such developers to involve the community at the earliest practicable opportunity, especially for major applications.
- 5.7 It should be accepted that there will inevitably be occasions where community involvement at the pre-application stage will not be appropriate due to reasons of commercial confidentiality. However, the Council anticipates there to be many instances where a planning application is likely

to be submitted whereby the developer would firstly welcome the views of the community on development options for the site.

- 5.8 Where developers or potential applicants intend to engage in community involvement, the level and type of community involvement will first be agreed with East Staffordshire Borough Council's Planning Delivery Team during pre-application discussion. This would ensure that development proposals are realistic in terms of planning policy and guidance before potential schemes are consulted upon with local communities and stakeholders. This approach will help to avoid causing concern or raising community expectations unnecessarily.

### **Who We Will Involve**

- 5.9 Community involvement in the planning application process requires general engagement with the wider community and also more targeted involvement where it is considered that an individual, or set of individuals neighbouring the application site, could be directly affected by a development proposal.
- 5.10 Community involvement on planning applications does not just involve the public. The Council must also consult the appropriate statutory bodies. Statutory bodies are those bodies which have particular powers in the policy making process. In deciding which statutory body is consulted, the Council must take into account the nature and location of the proposal. These statutory bodies normally have 21 days in which to respond. There are also a significant number of non-statutory bodies including local interest and amenity groups which the Council will consult in appropriate circumstances. The results of any such consultation will be reported to and taken into account in decisions made by, and on behalf of, the Council where it is a relevant planning matter or a material consideration.
- 5.11 In publicising planning applications, it is necessary for the Council to strike a balance between consideration of cost, speed of decision making and providing a reasonable opportunity for public comment.

### **How We Will Involve the Community**

- 5.12 The Government sets statutory publicity requirements for planning applications. East Staffordshire Borough Council's Planning Delivery section will, as a minimum, satisfy these requirements when considering planning applications. The following table identifies how the required publicity varies according to which category the planning application falls into.

## Community Involvement in Planning Applications

Type of Planning Application	Required Publicity
Development where the application is accompanied by an Environmental Statement	Notice in a local newspaper, stating a 14 day period from the publication date during which representations to the proposal can be made; and a site notice to be displayed in at least one location at or near the application site stating a 21 day period from the date of the notice for representations (**)
Where the proposed development does not comply with the Development Plan and the East Staffordshire Local Plan.	
Where the development affects a public right of way	
Where major development is being proposed (*).	Notice in a local newspaper and either a site notice or neighbour notification (the latter requiring 21 days notice from the date of the letter) (**)
Other development	Site notice and/or neighbour notification
Development affecting the setting of a listed building, or affecting the character or appearance of a Conservation Area	Notice in a local newspaper, and a site notice
All planning applications	All applications will be added to the Council's Planning Register. This can be accessed through the Council's website or customer service centres at Burton upon Trent and Uttoxeter.  The applicant must give notice to the landowner or tenant of the land to which the application relates (unless said person is the applicant anyway)

(\*) Major developments are defined as:

Minerals or waste proposals;

Residential proposals of 10 dwellings or more;

Residential proposals where the number of dwellings is not known and the application site is 0.5 hectare or more in size;

Where the building or buildings being proposed creates 1000 square metres or more of floor-space;

Development where the application site area is 1 hectare or above.

(\*\*) Planning applications which may affect statutory nature conservation sites e.g. SSSIs will require 28 days notice in accordance with the Wildlife and Countryside Act 1981 (as amended).

**5.13** The Council already has adopted consultation standards over and above the minimum statutory requirements set out above and these are attached as Appendix 3.

## Permitted Development

- 5.14 It is important to note that certain proposals are recognised as ‘permitted development’ by government legislation. As such, East Staffordshire Borough Council cannot influence these proposals since they do not require a planning application and are thus not to be considered by the Council’s Planning Delivery Team. There are many instances of permitted development, examples being certain extensions or alterations to a dwelling, the erection of a boundary fence, gate or wall within given height restrictions, or the painting of a building’s exterior.
- 5.15 For further information on a residential proposal and where planning permission is required please refer to the Planning Portal website at <http://www.planningportal.gov.uk/permission/> or complete an enquiry form on the Council’s website.
- 5.16 For all other planning enquires email the Council’s Planning Customer Service at [planning.customerservices@eaststaffsbc.gov.uk](mailto:planning.customerservices@eaststaffsbc.gov.uk).

## 6 Reporting Back, Resources and Review

- 6.1 The purpose of involving the community is to ensure that the documents prepared take into account as many views and comments from the community to help shape the decisions the Council must take to plan for the future. The information that we collect will therefore be recorded and set out in a report, in accordance with the relevant regulations, stating the type of community involvement that was used, a summary of the comments received and how this informed the decisions the Council has taken.
- 6.2 At each consultation stage the Council will ensure that any comments received as a result of community involvement on Local Plan Documents receive appropriate feedback through the issuing of a formal response as well as an overall summary. Summary documents, including a schedule of representations will be prepared and posted on the Council's website and be made available at the Customer Services Centres which are based at Market Place, Burton upon Trent and in the library at Uttoxeter, and at libraries at Burton upon Trent, Uttoxeter and Barton under Needwood. Documents will also be made available on Staffordshire County Council's mobile library (see website: [www.staffordshire.gov.uk/leisure/librariesnew/branchlibraries/mobilelibraries/home.aspx](http://www.staffordshire.gov.uk/leisure/librariesnew/branchlibraries/mobilelibraries/home.aspx)) in order to assist with rural accessibility and doctor's and dentist surgeries where it is deemed appropriate.



Burton upon Trent Customer Service Centre



Uttoxeter Customer Service Centre

- 6.3 Members will also be informed on any responses made so that they are aware what their constituents have said as well as other relevant stakeholders. This is likely to be the most effective way of keeping people informed. The Council will therefore maintain an up to date summary of the progress made in preparing each Document. Where specific events are organised, those involved will be directly informed of decisions or outcomes. Much of this information will also be published on the Council's website: [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk).

## Resources

- 6.4 The Planning Policy team will work closely with colleagues and partners and adopt a positive approach to involving external groups and individuals. By ensuring that community involvement is targeted and realistic the council will seek to make best use of the resources available to it, recognising that existing networks linked to other plans and programmes, for example the Sustainable Community Strategy and the Local Transport Plan, will be particularly valuable.

## CONTACT DETAILS

For more information about the new system of plan making or about how to make a planning application, some useful contact details are listed below.

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### **Planning Policy Team**

The Maltsters  
Wetmore Road  
Burton upon Trent  
DE14 1LS

Provide advice on general planning policy, the Local Plan and this Statement of Community Involvement.

Email:  
[planningpolicy@eaststaffsbc.gov.uk](mailto:planningpolicy@eaststaffsbc.gov.uk)

### **Author of the Statement of Community Involvement**

Ben Williscroft  
Planning Policy Officer

Tel: 01283 508238  
Email:  
[Benjamin.Williscroft@eaststaffsbc.gov.uk](mailto:Benjamin.Williscroft@eaststaffsbc.gov.uk)

### **Neighbourhood Planning Officer**

Corinne O'Hare

Tel: 01283 508611  
Email:  
[Corinne.O'Hare@eaststaffsbc.gov.uk](mailto:Corinne.O'Hare@eaststaffsbc.gov.uk)

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**Planning Delivery**

Tel: 01283 508606

Email:

[planning.customerservices@eaststaffsbc.gov.uk](mailto:planning.customerservices@eaststaffsbc.gov.uk)

For information about making a planning application or planning decisions within East Staffordshire contact Planning Delivery at the same address

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**Planning Aid**

Unit 319, The Custard Factory, Gibb Street,  
Birmingham, B9 4AA

Tel: 0121 766 8044

E-mail: [wmcw@planningaid.rtpi.org.uk](mailto:wmcw@planningaid.rtpi.org.uk)

**Available:** Monday - Friday

Planning Aid provides free, independent and professional town planning advice and support to communities and individuals who cannot afford to pay for planning consultant's fees. It complements the work of local planning authorities but is wholly independent of them.

Alternative formats of this publication are available on request. Please contact us to discuss an appropriate format.

# Appendix 1

## Glossary

**Adopted Local Plan:** A local plan that has been through all of the stages of preparation, including Local Plan Examination, and has been formally adopted by the Local Planning Authority.

**Development:** Defined in section 55 of the Town and Country Planning Act 1990 as ‘The carrying out of a building, engineering, mining or other operations in, on, over or under land; or the making of any material change in the use of any building or land.’

**Development Plan:** A development plan sets out the policies and proposals for the development, conservation and use of land and buildings in a particular local planning authority area. The development plan is the most important consideration for local planning authorities when they decide on a planning application. The development plan generally includes Development Plan Documents (DPDs) that are part of a local planning authority’s Local Plan. This includes waste and minerals documents prepared by county councils. The Localism Act 2011 made two key changes to the development plan. Neighbourhood Plans that have been prepared covering any part of the local planning authority area will become part of the development plan when they have been adopted.

**Evidence Base:** The information gathered by a planning authority to support the preparation of development documents. It includes quantitative (numerical values) and qualitative (feelings and opinions) data.

**Examination in Public:** The method of considering public views on a draft Local Plan or proposed changes to it.

**Government Planning Policy:** National planning policies that local planning authorities should take into account when drawing up development plans and other documents and making decisions on planning applications. These policies are mostly included in the National Planning Policy Framework (NPPF), with some also included in Minerals Planning Policy Statements and Guidance notes.

**Local Enterprise Partnership:** A body, designated by the Secretary of State for Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

**Local Plan:** A portfolio or folder of documents setting out the planning strategy for a local planning authority area. Since the Planning and Compulsory Purchase Act 2004 and until recently, this type of plan was known as a Local Development Framework. The Government now uses the simpler description ‘Local Plan’. The Planning and Compulsory Purchase Act 2004 replaced old-style local plans, structure plans and unitary development plans. The key difference between the pre- and post-2004 systems is that new-style local plans are really a ‘folder’ of Development Plan Documents (DPDs) and Supplementary Planning Documents

(SPDs), each addressing different issues. This is in contrast to the old-style plans which consisted of one Development Plan Document, supported by supplementary guidance.

The Local Plan identifies where future development should take place to meet local needs for homes, businesses, shops and other services, plus the infrastructure to support them. It also decides which areas should be protected from development because they are important to local people or have environmental or heritage qualities that should be conserved.

**Local Strategic Partnership:** Local Strategic Partnerships are bodies with representatives of the community, public, private sector and other agencies that work to encourage greater public participation in local governance by drawing together local community plans and producing an overall community strategy for each local authority area. Local Plans must have regard to, and should be the spatial expression of, the community strategy.

**Localism Act 2011:** A major piece of new legislation, which includes wide-ranging changes to local government, housing and planning. Significantly, the Act abolishes regional planning, and introduces the possibility of Neighbourhood Plans as part of the development plan.

**Neighbourhood Plan:** Neighbourhood Plans, or Neighbourhood Development Plans, were introduced by the Localism Act 2011. The term may also be used by some to refer to Neighbourhood Development Orders, which were also introduced by the Localism Act 2011 and are a second tool to enable neighbourhood planning. Communities will be able to prepare neighbourhood planning documents, outlining how they envisage their area developing in the future.

**Planning permission:** Needed before carrying out most types of development. To obtain planning permission it is necessary to make a planning application to the local planning authority.

**Proposals map:** A map illustrating each of the detailed site specific policies and proposals in the written statement, defining sites for particular developments or land uses, or for protection. The Proposals Maps also includes more detailed Inset Maps.

**Secretary of State:** The secretary of state is the most senior Government minister responsible for the work of his or her department. The Government department responsible for planning is the Department for Communities and Local Government (DCLG).

**Spatial Strategy:** The spatial strategy identifies what and how much development is needed to meet local needs, and broadly where it should be concentrated.

**Statutory Agencies:** Government agencies that are established by statute, or law. There are four environmental statutory agencies: English Heritage, the Environment Agency, the Countryside Agency and English Nature.

**Supplementary Planning Documents (SPD):** Non statutory supporting information and advice which amplifies the policies and proposals of the Local Plan. SPD's will be taken into account as a material consideration in deciding planning applications or appeals if it is consistent with the Development Plan and has been subject to consultation.

**Sustainability appraisal:** A systematic review of the Borough Council's Local Plan policies, in order to evaluate their impacts on achieving sustainable development. The appraisal is an integral part of the plan making and review process, which allows for the valuation of alternatives and is based on a quantifiable baseline of environmental, social and economic aspects of achieving sustainable development.

**Sustainable Community Strategy:** Sustainable Community Strategies are prepared for every local authority area. These provide a strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development. They set out the issues which are important to local people, and how they might be tackled, to move towards a 'vision' of how the place should be in the future.

**Sustainable development:** The Bruntland Report provides the accepted definition of sustainable development as 'Development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED, 1987). The principle of sustainable development may be broadly described as encompassing social, environmental and economic issues, and also entailing concern with intra-generational and inter-generational themes.

## Appendix 2

### Statutory and Suggested Consultation

Please note, this list is not exhaustive and also relates to successor bodies where re-organisation occurs.

#### **‘STATUTORY’ & PUBLIC CONSULTATION BODIES *(Based on Parts 1 & 2 of the Town & Country Planning (Local Planning) (England) Regulations 2012)***

##### Part 1 - General

#### **Citation, commencement and application**

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Planning) (England) Regulations 2012 and come into force on 6th April 2012.

(2) These Regulations apply in relation to England only.

#### **Interpretation**

2.—(1) In these Regulations—

“the Act” means the Planning and Compulsory Purchase Act 2004;

“address” in relation to electronic communications means any number or address used for the purposes of such communications;

“adopted policies map” means a document of the description referred to in regulation 9;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(b);

“electronic communications apparatus” has the same meaning as in paragraph 1(1) of the electronic communications code;

“electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003(c);

“general consultation bodies” means the following—

(a) voluntary bodies some or all of whose activities benefit any part of the local planning authority’s area,

(b) bodies which represent the interests of different racial, ethnic or national groups in the local planning authority’s area,

(c) bodies which represent the interests of different religious groups in the local planning authority’s area,

(d) bodies which represent the interests of disabled persons in the local planning authority’s area,

(e) bodies which represent the interests of persons carrying on business in the local planning authority’s area;

(a) 2004 c.5. Section 17(7) was amended by section 180(3)(d) of the Planning Act 2008 (c.29). Section 33A was inserted by section 110 of the Localism Act 2011 (c.20). See section 122(1) for the definition of “prescribed”.

“inspection” means inspection by the public;

“local plan” means any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents;

“local policing body” means—

(a) a police and crime commissioner (in relation to a police area listed in Schedule

- 1 to the Police Act 1996(a));
- (b) the Mayor’s Office for Policing and Crime (in relation to the metropolitan police district);
- (c) the Common Council (in relation to the City of London police area);
- “Ordnance Survey map” means an Ordnance Map or a map on a similar base at a registered scale;
- “relevant authority” means—
- (a) a local planning authority,
- (b) a county council referred to in section 16(1) of the Act,
- (c) a parish council,
- (d) a local policing body;
- “site allocation policy” means a policy which allocates a site for a particular use or development;
- “specific consultation bodies” means the following —
- (a) the Coal Authority,
- (b) the Environment Agency,
- (c) Historic Buildings and Monuments Commission for England (known as English Heritage),
- (d) the Marine Management Organisation (e),
- (e) Natural England (f),
- (f) Network Rail Infrastructure Limited (company number 2904587),
- (g) the Highways Agency,
- (h) a relevant authority any part of whose area is in or adjoins the local planning authority’s area,
- (i) any person—
- (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
- (ii) who owns or controls electronic communications apparatus situated in any part of the local planning authority’s area,
- (j) if it exercises functions in any part of the local planning authority’s area—
- (i) a Primary Care Trust established under section 18 of the National Health Service Act 2006(g) or continued in existence by virtue of that section;
- (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989(h);
- (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(a);
- (iv) a sewerage undertaker; and
- (v) a water undertaker;
- (k) the Homes and Communities Agency(b); and
- (l) where the local planning authority are a London borough council, the Mayor of London; “submission policies map” means a map which accompanies a local plan submitted to the Secretary of State under section 20(1) of the Act and which shows how the adopted policies map would be amended by the accompanying local plan, if it were adopted; “supplementary planning document” means any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan; and “sustainability appraisal report” means the report prepared pursuant to section 19(5)(b) of the Act.
- (2) These Regulations have effect in relation to the revision of a local plan or a

supplementary planning document as they apply to the preparation of a local plan or a supplementary planning document.

- (3) These Regulations have effect in relation to a minerals and waste development scheme as they have effect in relation to a local development scheme and for that purpose—
  - (a) references to a local development scheme include references to a minerals and waste development scheme, and
  - (b) references to a local planning authority include references to a county council within the meaning of section 16(1) of the Act.

### **Electronic communications**

**3.—**(1) Where within these Regulations—

- (a) a person is required to—
    - (i) send a document, a copy of a document or any notice to another person,
    - (ii) notify another person of any matter; and
  - (b) that other person has an address for the purposes of electronic communications;  
the document, copy, notice or notification may be sent or made by way of electronic communications.
- (2) Where within these Regulations a person may make representations on any matter or document, those representations may be made—
- (a) in writing, or
  - (b) by way of electronic communications.
- (3) Where—
- (a) an electronic communication is used as mentioned in paragraphs (1) and (2), and
  - (b) the communication is received by the recipient outside the recipient's office hours, it is to be taken to have been received on the next working day, and in this regulation "working day" means a day which is not a Saturday, Sunday, bank holiday under the Banking and Financial Dealings Act 1971(c) or other public holiday in England.
- (a) 1986 c.44. There are amendments to these provisions which are not relevant to these Regulations.
  - (b) See section 2 of the Housing and Regeneration Act 2008 (c.17).
  - (c) 1971 c.80. Duty to co-operate

**4.—**(1) The bodies prescribed for the purposes of section 33A(1)(c) of the Act are—

- (a) the Environment Agency
- (b) the Historic Buildings and Monuments Commission for England (known as English Heritage);
- (c) Natural England;
- (d) the Mayor of London;
- (e) the Civil Aviation Authority(a);
- (f) the Homes and Communities Agency;
- (g) each Primary Care Trust established under section 18 of the National Health Service Act 2006(b) or continued in existence by virtue of that section;
- (h) the Office of Rail Regulation(c);
- (i) Transport for London(d);
- (j) each Integrated Transport Authority(e);
- (k) each highway authority within the meaning of section 1 of the Highways

Act 1980(f) (including the Secretary of State, where the Secretary of State is the highways authority); and

- (1) the Marine Management Organisation.
- (2) The bodies prescribed for the purposes of section 33A(9) of the Act are each local enterprise partnership.
- (3) In this regulation “local enterprise partnership” means a body, designated by the Secretary of State, which is established for the purpose of creating or improving the conditions for economic growth in an area.

### **Government Departments**

- Home Office
- Department for Communities and Local Government
- Department of Culture, Media and Sport
- Department for Transport
- Department for Education and Skills
- Department for Health
- Department for Trade and Industry
- Department for Environment Food and Rural Affairs
- Department of Constitutional Affairs
- Ministry of Defence
- Department of Work and Pensions
- Office of Government Commerce (Property Advisors to the Civil Estate)

### **Statutory Agencies (Strategic Environment Assessment)**

- Natural England
- English Heritage
- Environment Agency

### **Other Consultees**

Local Planning Authorities should consider the need to consult where appropriate the following agencies and organisations (in addition to those given above as stated in the Parts 1 & 2 of the Town & Country Planning (Local Planning) (England) Regulations 2012)) in the preparation of the Local Plan:

- Age Concern;
- Ancient Monuments Society;
- Airport operators;
- British Chemical Distributors and Traders Association;
- British Geological Survey;
- British Waterways, canal owners and navigation authorities;
- Centre for Ecology and Hydrology;
- Chambers of Commerce, Local CBI and local branches of Institute of Directors;
- Church Commissioners;
- Civil Aviation Authority;
- Coal Authority;
- Design Council;

- Commission for New Towns and English Partnerships;
- Commission for Racial Equality;
- Council for British Archaeology;
- Crown Estate Office;
- Diocesan Board of Finance;
- Disability Rights Commission;
- Disabled Persons Transport Advisory Committee;
- Electricity, Gas, and Telecommunications Undertakers, and the National Grid Company;
- English Heritage;
- Environmental groups at national, regional and local level, including:
  - i. Council for the Protection of Rural England;
  - ii. Friends of the Earth;
  - iii. Royal Society for the Protection of Birds; and
  - iv. Wildlife Trusts;
- Equal Opportunities Commission;
- Fire and Rescue Services;
- Forestry Commission;
- Freight Transport Association;
- Gypsy Council;
- Health and Safety Executive;
- Help the Aged;
- Highways Agency
- Housing Corporation;
- Learning and Skills Councils;
- Local Strategic Partnership including:
  - i. Civic Societies;
  - ii. Community Groups;
  - iii. Local Transport Authorities;
  - iv. Local Transport Operators; and
  - v. Local Race Equality Councils;
  - vi. Friends of the Earth and other local equality groups;
- National Playing Fields Association;
- Network Rail;
- Passenger Transport Authorities;
- Passenger Transport Executives;
- Police Architectural Liaison Officers/Crime Prevention Design Advisors;
- Port Operators;
- Post Office Property Holdings;
- Rail Companies and the Rail Freight Group;
- Regional Housing Boards;
- Regional Sports Boards;
- Road Haulage Association
- Staffordshire County Council
- Sport England;
- Sport National Governing Bodies
- The Georgian Group;
- The Garden History Society

- The House Builders Federation;
- The National Forest Company
- The Society for the Protection of Ancient Buildings;
- The Theatres Trust
- The Twentieth Century Society;
- The Victorian Society;
- Transport for London;
- Traveller Law Reform Coalition;
- Water Companies; and
- Women's National Commission.

### **Internal Consultees**

- Building Control Officers
- Environmental Health Officers
- Housing Options Officers
- Planning Delivery Officers
- Arboricultural/Tree Officer
- Open Spaces Manager
- Town Centres Manager

### **Consultees as stated under Duty to Cooperate**

The Duty-to-Cooperate gives Local Planning Authorities a statutory undertaking in cooperating with key bodies, including adjacent local planning authorities and some statutory consultees and agencies on key issues which affect the Local Plan and its delivery:

- (a) Environment Agency
- (b) Historic Buildings and Monuments Commission for England (English Heritage)
- (c) Civil Aviation Authority
- (d) Homes and Communities Agency
- (e) Primary Care Trust
- (f) Office of Rail Regulation
- (g) Transport Authorities (Staffordshire County Council & Highways Agency)
- (h) Greater Birmingham & Solihull Local Enterprise Partnership

### **Local Planning Authorities (Including adjacent authorities)**

- South Derbyshire District Council
- Cannock Chase District Council
- Lichfield District Council
- Stafford Borough Council
- Staffordshire Moorlands District Council
- Derbyshire Dales District Council

## Appendix 3



### PLANNING DELIVERY SECTION REGULATORY SERVICES

#### PRACTICE NOTE

#### PUBLICITY AND CONSULTATION

This Practice Note gives details of the Council's adopted publicity procedures for planning applications



INVESTOR IN PEOPLE

## **PRACTICE NOTE: PUBLICITY AND CONSULTATION ON PLANNING APPLICATIONS**

### **1.0 INTRODUCTION**

- 1.1 Planning serves the public interest and decisions made by the Council affect everyone. For the Planning Delivery Service to work effectively, people must be encouraged and enabled to participate in the planning process.
- 1.2 East Staffordshire Borough Council is committed to encouraging public participation in the process of determining planning applications. In order for this process to be effective, it is important that the public are aware of applications in their area and that they are able to have their say to influence the decision reached by the Local Planning Authority.
- 1.3 The Government places a number of statutory minimum requirements upon the Council for publicity. It is the Council's policy to provide a service which exceeds statutory requirements, and the provisions for notification and consultations which the Council has adopted is set out below.
- 1.4 The Planning Delivery Section seeks to be consultative, open and transparent in dealing with planning applications, and the aim of this Practice Note is to both publicise our approach, and to ensure consistency of action.

### **2.0 STATUTORY PUBLICITY FOR APPLICATIONS**

- 2.1 Through the Town and Country Planning (General Development Procedure Order) 1995 (as amended), Local Planning Authorities have a duty to publicise certain applications.
- 2.2 The following types of application are required to be advertised in a local newspaper, and a site notice displayed:-
  - Applications accompanied by an Environmental Impact Statement.
  - Applications which are Departures from the Development Plan.
  - Applications which affect a public right of way.
  - Applications affecting the setting, character or appearance of a Listed Building.
  - Applications affecting the setting, character or appearance of a Conservation Area.
- 2.3 The following types of application are required to be advertised in a local newspaper, and either a site notice displayed or neighbours notified:-
  - Major developments, which include:-
    - i) the erection of 10 or more houses or where the site exceeds 0.5 hectares;
    - ii) the erection of buildings where 1,000 square metres of floor space is created, or the site exceeds 1.0 hectares;

- iii) mineral workings (Staffordshire County Council Matter);
- iv) all waste developments, i.e. any development designed to be used wholly or mainly for the purposes of treating, storing, processing or disposing of refuse or waste materials (County Matter).

2.4 All other planning applications constitute minor development and are required to be publicised by means of either a site notice or neighbour notification.

### **3.0 STATUTORY CONSULTATION**

Certain statutory consultees such as the Environment Agency, Highway Authority, English Nature will be consulted directly on certain applications where they may have an interest, as set out in Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended and relevant [planning charters](#)). Where consultation is not required standing advice produced by statutory consultees will be used in the decision making process.

### **4.0 NON-STATUTORY CONSULTATION**

East Staffordshire Borough Council will consult non-statutory consultees such as Staffordshire Wildlife Trust, local Civic Societies etc. where their expertise would clearly be helpful in judging the merits of a particular planning application.

### **5.0 PARISH COUNCIL CONSULTATION**

All Parish and Town Councils in the Borough are notified of planning applications in their areas, in accordance with Article 13 of the Town and Country Planning (General Development Procedure) Order 1995.

### **6.0 AGREED PUBLICITY PROCEDURES OF EAST STAFFORDSHIRE BOROUGH COUNCIL**

#### **6.1 Newspaper advertisements**

The Borough Council will fully comply with the statutory minimum requirement to publish newspaper advertisements as set out above.

Note: Newspaper advertisements required for applications in the following parishes, Okeover, Mayfield, Ramshorn, Ellastone, Wootton, Stanton, Rocester, Denstone, Leigh, Croxden, Uttoxeter Rural, Kingstone, Marchington, Draycott and within the area covered by Uttoxeter Town Council will be advertised in the Uttoxeter Advertiser and applications in the remainder of the Borough will be advertised in the Burton Mail.

#### **6.2 Site Notices:-**

All planning applications will be publicised by means of a site notice to be posted in a position where it will be clearly visible and legible to passers-by without the need for them to enter the site. It is not the responsibility of the Local Planning Authority to safeguard the site notice or to replace damaged or lost notices.

Site notices for applications that are accompanied by an Environmental Impact Statement, Departures from the Local Plan, those that affect a Public Right of Way or affect the setting, character or appearance of a Listed Building or Conservation Area will be laminated and printed on coloured paper to give them added durability and visibility.

### 6.3 Neighbour Consultation

6.3.1 As a minimum the following will be notified of all types of application:-

- Occupiers of all buildings whose curtilage adjoins the application site, but only if the curtilage is within 90 metres of the development proposed;
- the occupiers of all buildings on land that is within 4 metres of the application site and is within 90 metres of the development proposed;
- any other persons that the case officer considers shall be notified, with particular regard being given to occupiers of properties on the opposite side of the road to the proposed development where the interface distance is less than 20 metres wide. We will not notify additional neighbours where it is clear to the case officer that the proposed development cannot have an effect which might reasonably give rise to valid representations on planning grounds.

6.3.2 In all cases, 21 days is given for responding to a press notice, a site notice or a neighbour consultation letter. In most cases, the dates may differ and 21 days shall be taken from the latest date appearing on an advertisement, a notice or letter. Planning applications will not be determined before the expiration of that period.

In view of the Christmas holiday period, for all applications validated between 3<sup>rd</sup> December and 24<sup>th</sup> December, the notification procedure shall allow 28 days for comment.

## 7.0 **WEEKLY LIST**

A weekly list of all planning applications and prior notifications received is produced by the Borough Council and despatched free of charge to various organisations. The list also appears on the Council's web site ([www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk)). Individuals may also download copies of the weekly list from the Council's website: <http://www.eaststaffsbc.gov.uk/Planning/Pages/ViewPlanningWeeklyList.aspx>

## **8.0 WARD MEMBERS**

Ward Members (elected Councillors) will receive a copy of the weekly list of all new planning applications and prior notifications so that they may be kept informed of proposals within their areas.

## **9.0 COUNTY MATTERS**

The Borough Council is itself only a consultee on such applications as waste and minerals and there is no requirement on the Council to undertake additional consultations.

## **10.0 ADVERTISEMENT APPLICATIONS**

These will be treated in the same way as a planning application, i.e. site notices in all cases, newspaper advertisement and neighbour notification where required.

## **11.0 PRIOR NOTIFICATION PROPOSALS**

11.1 Certain types of development such as some agricultural buildings, demolition of buildings, hedgerow removal, tree works in a conservation area and telecommunications equipment under 15 metres in height are permitted development and therefore do not require planning permission. However, before development can commence, developers first have to notify the Local Planning Authority of their proposal. The Council has currently 28 days to deal with Prior Notifications of agricultural or forestry development, and of demolition of buildings, 42 days in respect of hedgerow removal and works to trees in Conservation Areas, or 56 days in the case of Prior Notification to erect telecommunications equipment. The Council cannot control the principle of the development proposed and must have good reason if it wants to refuse or seek an amendment to the particular siting or appearance. Because of the tight time-scale and restricted grounds for comment the Council is generally unable to undertake the same publicity as set out above.

11.2 The Council will, in the case of most of these types of development, notify neighbours as set out in paragraph 6.3.1 allowing 14 days for a response. Parish Councils will similarly be notified. Due to the wider interest generated by prior notification of telecommunications equipment, neighbours will be notified as set out in Paragraph 6.3.1 allowing 21 days for a response, and advertised by a site notice.

## **12.0 CERTIFICATES OF LAWFULNESS**

12.1 These applications are determined under the Council's delegated procedures in consultation with the Council's Head of Legal Services and decisions are based solely on matters of fact. Consultations will only be carried out if the

case officer considers that they may be able to assist on establishing the facts of the case. In view of the extensive local knowledge Parish Councils will be notified.

### **13.0 WORKS TO TREES COVERED BY A TREE PRESERVATION ORDER**

13.1 Any application for consent to carry out work to or felling of a tree covered by a Tree Preservation Order will be publicised in the same manner as a planning application. Whilst not required to publicise such applications, the Council will undertake to carry out the same publicity, consultation and notification procedures as applies to Planning Applications, set out in Section 6, in respect of a site notice and neighbour notification.

### **14.0 AMENDED PLANS**

14.1 Where amended plans are received on a current application those individuals or bodies who have expressed an opinion may be notified of the revisions and given a further limited period (usually 14 days) to assess and comment upon the amendments. This will be extended for amendments received between 10<sup>th</sup> December and 24<sup>th</sup> December, where 21 days will be allowed.

14.2 Where a substantially different scheme is submitted with significant changes to the original application, full re-notification will take place duplicating the original consultation arrangements and taking account of all other correspondence received on the application. Alternatively the application may be withdrawn and submitted afresh.

### **SUMMARY**

	<b>Adverts</b>	<b>Site Notices</b>	<b>P.C.</b>	<b>Letter</b>	<b>Weekly List</b>
<b>Environmental Impact Assessments</b>	*	*	*	*	*
<b>Departures</b>	*	*	*	*	*
<b>PRW</b>	*	*	*	*	*
<b>Listed Buildings</b>	*	*	*	*	*
<b>Conservation Areas</b>	*	*	*	*	*
<b>Major developments</b>	*	*	*	*	*
<b>Minor developments</b>		*	*	*	*
<b>Advertisements</b>		*	*	*	*
<b>Telecommunications Equipment</b>		*	*	*	*
<b>Agricultural PN</b>			*	*	*
<b>Demolition</b>			*	*	*
<b>Hedgerow removals</b>			*	*	*
<b>Works to TPO trees</b>		*	*	*	*

<b>Tree works in Conservation Areas</b>			*	*	*
<b>Certificate of Lawfulness</b>			*		*
<b>County Matters</b>					*

## **Appendix 4**

### **Relevant Statutory Legislation**

#### **Acts of Parliament**

- Planning and Compulsory Purchase Act 2004 (as amended)
- Planning Act 2008
- Growth and Infrastructure Act 2013
- Data Protection Act 1998
- Freedom of information Act 2004
- Local Government and Public Involvement in Health Act 2007
- Localism Act 2011
- Equalities Act 2010

#### **Regulations**

- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Development Management Procedure) Order 2010.
- Town and Country Planning (General Development Procedure Order) 1995 (as amended)
- Environmental Information Regulations 2004
- Re-use of Public Sector Information Regulations 2005